The Queen, on the prosecution of John Colin Campbell Jordan - v - Maurice Ludmer

Judgment delivered 30th December, 1976

I have to announce that the restrictions on reporting have been removed.

This case was heard before me on the 21st September, the 3rd of November and the 8th December.

In this case the prosecution asks for the committal for trial to the Crown Court of the defendant, Maurice Ludmer, on two charges of criminal libel, contrary to Section 5 of the Libel Act, 1843. The defence has submitted that no such committal should take place and I have to rule on that submission.

The prosecution has been conducted by the informant, John Colin Campbell Jordan, in person. He has laid the informations, he says he has been libelled, and he had conducted the prosecution in Court,

as well, of course, as giving evidence himself on oath. Let me say at once that he has conducted the prosecution with courtesy, restraint and, for a layman, considerable skill. The defence has had the advantage of being represented by Mr. Geffen with his usual skill and enthusiasm.

It is however, perhaps unwise, for an advocate personally to identify himself too closely with his client's case.

The alleged libels are in exactly the same words in each case and appeared in two pamphlets or booklets, one published sometime since June, 1974 and called "A Well-Oiled Nazi Machine" and the other published in April, 1975 and called "Searchlight". It appears to be proved and not now denied that the defendant was the publisher of the pamphlets.

The important words in these two pamphlets are :-

"It was this building that housed the National Socialist Movement and where plans to bomb and attack the Jewish Community were hatched by Jordan, his wife and their S.S.Groups".

These words appear to charge a conspiracy to commit malicious damage, arson and murder and are prima facie libellous. Mr. Jordan, on oath, has denied that he has ever been a party to any such plans or conspiracy.

He says the words are completely untrue. He says the allegation is likely to provoke a breach of the peace. He says he has never advocated the attainment of political power by violence.

Mr. Jordan was extensively cross-examined by Mr. Geffen as to his work and there is no doubt that for many years he has been involved in politics of an extremist kind. So, it would appear, but at the other end of the scale, have been the writers of the two pamphlets, whether actually the defendant publisher, or other persons. Persons who engage in this kind of activity must not be too thin skinned and must expect to receive hard blows in a metaphorical sense. The words complained of are serious libels but are they more likely to lead to public disorder and breach of the peace than the rest of these pamphlets? It is also said by the defence that in fact Mr. Jordan is a man of violence, contrary to his evidence. It is true that he has been to prison twice, once, after a series of appeals, for one month, and once for nine months. Both these charges were under the Public Order Act, but he says no actual violence was involved.

I am asked by Mr. Geffen (Whose submission is not really a submission in law) to say that this is a case where the time of the Judge and jury at the Crown Court should not be occupied, that no injury to the public has been shown, and that there is no reasonable apprehension of public disorder or breach of the peace resulting from the alleged libels.

There are no merits on the part of the defendant in this submission. The pamphlets seem to me to be scurrilous and disreputable. But would any useful purpose be served by committing Ludmer to the Crown Court and taking up the time of that Court by seeking to get him convicted and punished? One has to take into account also that the circulation of these publications is probably very restricted. I think no useful purpose would be served. I think that, however libellous, these are some of the harsh words to be expected by those who engage in this kind of extremist politics. That Mr. Jordan himself is capable of extremely offensive publications is shown by the dreadful letter produced by the defence and written to a Mr. Bidwell, a Member of Parliament, and exhibited as Exhibit 16.

In the result I do not intend to commit the defendant for trial.I do not think any useful purpose would be served by taking up the time of a Judge and jury in listening to the kind of arguments that went on before me in the course of cross-examination of Mr. Jordan by Mr. Geffen. Mr. Jordan has had the satisfaction of denying before me on oath that he is a man of violence and that he ever took part in any such conspiracy as was referred to in the passages in the pamphlets and I am sure that publicity will be given to that denial and that that will serve to provide him with the remedy he seeks.

There is one feature of the pamphlet "Searchlight" which was not referred to before me, but which I regard as grave and sinister. The pamphlet is headed on the front "Defend Democracy - expose the Racists and Extremists", and on the back it purports to be "A monthly Anti-Fascist bulletin". Yet on the back it prints, publishes, advertises in large letters "Forthcoming Racist Marches, Meetings etc" and gives a list of the dates and places of meetings of the National Front and other similar organisations.

What purpose can there be in advertising your opponents' meetings except for the purpose of attending them and creating disorder and perhaps violence? This seems to me to be an attempt to stir up trouble.

As I said, I see no merits in the defendant's case, but I do not propose to commit for trial. The defendant will be discharged.

An application by Mr. Geffen for additional costs, over and above those allowed upon Legal Aid taxation (the defendant being Legally Aided) was refused.